

Exhibit 9 - Email from J. Ahearn legal rep for
LFP of Whitehall dated 10/17/23

From: John Ahearn
To: [Davis, Leilani](#); [Alita Giuda](#)
Subject: RE: Former CP Rail Maintenance Yard Superfund Site - Notice of US EPA visit to the Site
Date: Tuesday, October 17, 2023 1:02:39 PM

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Leilani,

As a result of the EPA's prior correspondence indicating that the Agency was no longer willing to discuss and settle this matter, our last discussion with our client instructed that we were not to further negotiate with the EPA. As to access, we previously informed to you that LFP of Whitehall, LLC, no longer consented to EPA's access to the site. We have not been provided with authority to change that position. Therefore, EPA does not have the landowner's permission to enter the site.

Thank you.

JOHN E. AHEARN, III, ESQ.

Partner

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From: Davis, Leilani <Davis.Leilani@epa.gov>
Sent: Thursday, October 12, 2023 4:55 PM
To: Alita Giuda <agiuda@couchwhite.com>
Cc: John Ahearn <jahearn@couchwhite.com>
Subject: Former CP Rail Maintenance Yard Superfund Site - Notice of US EPA visit to the Site

Alita,

I called you Wednesday morning and left a message with your assistant for you to return my call, but as of close of business today I have yet to hear from you. I called to inform you that the United States Environmental Protection Agency's (EPA's) On-Scene Coordinator (OSC) for the CP Rail Maintenance Yard Superfund Site (Site) plans to visit the Site the week of October 23, 2023. Last week the OSC reached out to Nick Fitzpatrick, the representative of LFP of Whitehall, LLC, to inform him of EPA's visit. He told the OSC that he has "nothing to do with the Site" any longer, and that EPA should contact his lawyers about anything regarding the Site.

Please let me know who EPA should contact regarding the upcoming Site visit.

If you have any questions concerning the above, feel free to call me at the number below.

Best regards,

Elizabeth Leilani Davis (she/her)

Assistant Regional Counsel

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